

ORDINANCE NO. -2021

Amending Ch. 350 – Zoning, Ordinance 146-76.

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 21st day of September 2021, does ordain as follows:

- 1 **WHEREAS**, an amendment is necessary to update the County's Zoning Ordinance.

Roll Call on Ordinance No. -2021

Submitted by Land Use Planning & Zoning Committee:

Ayes , Nays , Absent , Abstain

Passed and Enacted/Rejected this 21st day of September, 2021.

Curt Talma, Chair

William Boutwell, Vice-chair

County Board Chairman

Harley Reabe

ATTEST: County Clerk
Approve as to Form:

Charles Buss

Corporation Counsel

Don Lenz

3 Section 1. Green Lake County Ordinance, No. 146-76 adopted by the Green Lake County
4 Board of Supervisors on June 15, 1976 and as amended from time-to-time is amended as
5 follows (deletions are in ~~strikeout~~, additions are in underline):

6
7 Proposed Amendments to Chapter 350, Zoning Ordinance September 2, 2021

8 Article I: Introduction, No changes

9 Article II: (Reserved), No changes

10 **Article III: General Provisions, Amendments as follows:**

11 **§ 350-15** Accessory buildings, Accessory structures.

12 **§ 350-17.A (2-6)**. Dwelling design and construction.

13 A. All dwellings ~~and buildings~~ as defined and permitted by this chapter shall conform
14 to the following. They shall:

15 (2) Have a first-story minimum living area of 800 square feet, ~~and be not less than~~
16 ~~20 feet in their smallest horizontal dimension, exclusive of attached garage, carport or~~
17 ~~open deck.~~

18 (3) Be not less than 20 feet in their smallest horizontal dimension, exclusive of portions
19 of the dwelling including but not limited to three-season rooms, sunrooms or solariums,
20 mudrooms, passageways and entryways.

21 ~~(43)~~ Have any wheels, axles, hitches, tow bars and other equipment necessary for
22 transporting on streets or highways removed when the structure is placed on the
23 foundation.

24 (54) Be constructed in accordance with accepted construction practices and building
25 codes. In no case shall a shipping or storage container(s), or parts thereof, be used as a
26 dwelling. [Added 8-18-2020 by Ord. No. 9-2020]

27 (6) There shall only one attached garage per dwelling unit and in no case shall the
28 footprint of the attached garage exceed the dwelling unit's total living area.

29 **§ 350-20.B**. Side and rear yard regulations.

30 B. Except as otherwise provided in this section, every structure hereafter erected,
31 moved or structurally altered shall provide the minimum side and rear yards as
32 required by the following table for the district in which such ~~building~~ structure is or is
33 to be located:

	Each Side Yard	Rear Yard
	(feet)	(feet)
District		

District	Each Side Yard (feet)	Rear Yard (feet)
Residential	12	25
Recreational	12	25
Agricultural	12	25
Conservancy	20	25
Commercial*	12	25
Industrial*	20	25

NOTE:

* Commercial and industrial buildings structures, not designed for human occupancy, are required to provide a minimum setback 1.1 times their overall height.

34

35 **Article IV: Zoning Districts, Amendments as follows:**

36 **§ 350-27.A.(2)(b)** A-1, Farmland Preservation District, Conditional uses.

37 (b) A business, activity, or enterprise, whether or not associated with an agricultural
38 use, and is not a dog breeding facility or a dog breeder as defined in ATCP 16,
39 which meets all of the following requirements:

40 [1] It is conducted on a farm by an owner or operator of that farm.

41 [2] It requires no buildings, structures, or improvements other than those described in
42 Subsection D(1) and (3) of the definition of "accessory use."

43 [3] The total cumulative hours worked by paid employees, excluding the owner(s),
44 shall not exceed 160 hours per week.

45 [4] It does not impair or limit the current or future agricultural use of the farm or other
46 protected farmland.

47 **§ 350-27.A.(2)(h)** A-1, Farmland Preservation District, Conditional uses.

48 (h) Dog kennels qualifying as an accessory use under § 91.01(1), Wis. Stats. Dog
49 breeder(s) or dog breeding facility(s) as defined in ATCP 16.01 are not allowed in
50 the A-1, Farmland Preservation Zoning District.

51 **§ 350-27.A.(2)(Note)** A-1, Farmland Preservation District

52 Note: The County may issue a conditional use permit for a proposed land use not
53 identified in this section if the proposed land use meets applicable conditions under
54 this section. Before issuing a conditional use permit, the County shall determine, in
55 writing, that the proposed use meets applicable conditions under this section. The
56 County may issue the permit subject to conditions designed to carry out the
57 purposes of this chapter. Dog breeder or Dog breeding facility as defined in ATCP
58 16 are exempt from this provision.

59 **§ 350-27.A.(3)(c)[1]** A-1, Farmland Preservation District, Principal structure setback and
60 height standards.

61 [1] Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-
62 2017] Street yard setback:

63 ~~[a] State trunk road rights-of-way: 67 feet minimum.~~

64 ~~[b] All other public road rights-of-way: 40 feet minimum.~~

65 **§ 350-27.D.** A-1, Farmland Preservation District, Definitions

66 DOG BREEDER

67 A person who in any license year sells at least 25 dogs, from more than 3 litters, which
68 that person has bred and raised in this state. A person has bred and raised dogs for
69 purposes of this paragraph if that person has owned the dogs from birth until sale,
70 regardless of whether the person has contracted with an agent to raise the dogs on real
71 estate owner or occupied by that agent.

72 DOG BREEDING FACILITY

73 A place in this state where dogs are bred and raised and from which at least 25 dogs
74 from more than 3 litters are sold in a license year.

75 DOG KENNEL

76 An establishment, that is not a dog breeding facility, in which dogs are housed, boarded,
77 groomed, sheltered, protected, trained or sold for fee or compensation.

78 LICENSE YEAR

79 Means the 12-month period ending on September 30th for a license granted by the
80 Department of Agriculture, Trade and Consumer Protection to operate as a dog dealer,
81 dog breeder or as a dog breeding facility.

82 **§ 350-28.A.(1)(c).** A-2, General Agriculture District, Permitted uses.

83 ~~(c) Accessory structure/use, temporary.~~

84 **§ 350-28.A.(2)(b & f).** A-2, General Agriculture District, Conditional uses.

85 (b) Animal veterinary clinic.

86 (f) ~~Animal veterinary clinic.~~ Dog breeder or Dog breeding facility

87 **§ 350-28.A.(3)(c)[1]** A-2, General Agriculture District, Principal structure setback and
88 height standards.

89 [1] Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-
90 2017] Street yard setback:

91 ~~[a] State trunk road rights-of-way: 67 feet minimum.~~

92 ~~[b] All other public road rights-of-way: 40 feet minimum.~~

93 **§ 350-33.A.(2).** C-2, Extensive Commercial District, Permitted uses.

94 ~~(2) Parking lot~~

95 **§ 350-33.B.(7).** C-2, Extensive Commercial District, Conditional uses.

96 ~~(7) Sawmills, manufacture, sale or processing of wood or plywood products.~~

97 **§ 350-34.B.(28).** I, Industrial District, Conditional uses.

98 (28) Sawmills, manufacture, sale or processing of wood or plywood products.

99 **§350-34.H.** I, Industrial District, Highway setbacks

100 H. Highway setbacks: Refer to § 350-50A.

101 **§ 350-38.A.(2)** R-1 Single-Family Residence District, Permitted uses.

102 (2) Churches; public schools; parochial schools; municipal buildings, except sewage
103 disposal plants; garbage incinerators; public warehouses; public garages; public
104 shops; public storage yards; and public recreational and community center
105 buildings and grounds.

106 **§ 350-38.D.(1)** R-1 Single-Family Residence District, Principal structure setback and
107 height standards.

108 (1) Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-
109 2017] Street yard setback:

110 (a) ~~State trunk road rights-of-way: 67 feet minimum.~~

111 (b) ~~All other public road rights-of-way: 40 feet minimum.~~

112 (c) ~~All riparian lots or parcels that front on a public Town road right-of-way: 25 feet~~
113 ~~minimum.~~

114 **§ 350-38.E** R-1 Single-Family Residence District, Accessory building structures.

115 E. Residential accessory Accessory building structures. The total combined footprint
116 area allowed for attached and detached residential accessory building structures
117 shall not exceed 10% of the land area, excluding any road right-of-way. Each
118 residential accessory building structure shall satisfy all of the following standards:
119 [Added 2-15-2011 by Ord. No. 989-2011]

120 **§ 350-38.E.(5)** R-1 Single-Family Residence District, Accessory building structures.

121 (5) Human habitation of a detached residential accessory building structure may be
122 allowed, however shall be limited to 20% of the footprint area or 300 square feet,
123 whichever is less. This standard shall apply to only one detached residential
124 accessory building structure per lot or parcel.

125 **§ 350-39.A.** R-2 Single-Family Mobile Home Residence District.
126

127 A. In the Class Two Residential District, all uses and structures shall be permitted that
128 are permitted in the regular ~~(Class One)~~ Single-family residential Residence
129 District, and, in addition thereto, mobile and manufactured homes occupied by a
130 single family shall be permitted. [Amended 3-19-2019 by Ord. No. 2-2019]

131 **§ 350-39.E.(1)** R-2 Single-Family Mobile Home Residence District, Principal structure
132 setback and height standards.

133 (1) Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-
134 2017] Street yard setback:

135 (a) ~~State trunk road rights-of-way: 67 feet minimum.~~

136 (b) ~~All other public road rights-of-way: 40 feet minimum.~~

137 (c) ~~All riparian lots or parcels that front on a public Town road right-of-way: 25 feet~~
138 ~~minimum.~~

139 **§ 350-39.F.** R-2 Single-Family Mobile Home Residence District.

140

141 E. Residential Accessory ~~accessory~~ building structures. The total combined footprint
142 area allowed for attached and detached residential accessory building structures
143 shall not exceed 10% of the land area, excluding any road right-of-way. Each
144 residential accessory building structure shall satisfy all of the following standards:
145 [Added 2-15-2011 by Ord. No. 989-2011]

146 **§ 350-39.F.(5)** R-2 Single-Family Mobile Home Residence District, Accessory building
147 structures.

148 (5) Human habitation of a detached residential accessory building structure may be
149 allowed, however shall be limited to 20% of the footprint area or 300 square feet,
150 whichever is less. This standard shall apply to only one detached residential
151 accessory building structure per lot or parcel.

152 **§ 350-40.A.(1)** R-3 Multiple-Family Residence District, Permitted uses.

153 (1) Residential accessory structure/use.

154 **§ 350-40.D.(1)** R-3 Multiple-Family Residence District, Permitted uses.

155 D. Principal structure setback and height standards.

156 (1) Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-
157 2017]~~Street yard setback:~~

158 ~~(a) State trunk road rights-of-way: 67 feet minimum.~~

159 ~~(b) All other public road rights-of-way: 40 feet minimum.~~

160 ~~(c) All riparian lots or parcels that front on a public Town road right-of-way: 25 feet~~
161 ~~minimum. [Added 8-19-2014 by Ord. No. 1092-2014]~~

162 **§ 350-40.E.** R-3 Multiple- Family Residence District, Accessory Structures.

163

164 E. Residential accessory ~~Accessory~~ building structures. The total combined footprint
165 area allowed for attached and detached residential accessory building structures
166 shall not exceed 10% of the land area, excluding any road right-of-way. Each
167 residential accessory building structure shall satisfy all of the following standards:
168 [Added 2-15-2011 by Ord. No. 989-2011]

169 **§ 350-40.E (3) & (4).** R-3 Multiple- Family Residence District, Accessory Structures.

170

171 (3) Area: ~~600~~ 1500 square foot maximum footprint (ground floor).

172 (4) Volume: ~~40,000~~ 25,000 cubic feet maximum volume.

173 **§ 350-41.B.(8)** R-4 Rural Residential District, Conditional uses.

174 (8) Kennel (must be on at least a 5 acre lot or parcel and only as an accessory use to
175 the residential use). [Added 3-19-2019 by Ord. No. 2-2019]

176 **§ 350-41.D.(1)** R-4 Rural Residential District, Principal structure setback and height
177 standards.

178 (1) Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-
179 2017]~~Street yard setback:~~

180 ~~(a) State trunk road rights of way: 67 feet minimum.~~

181 ~~(b) All other public road rights of way: 40 feet minimum.~~

182 **§ 350-41.E.** R-4 Rural Residential District, Principal structure setback and height
183 standards.

184 E. Residential accessory ~~Accessory~~ structure standards. The total combined footprint
185 area allowed for attached and detached residential accessory building structures
186 shall not exceed 10% of the land area, excluding any road right-of-way. ~~An~~ Each
187 residential accessory building structure shall satisfy all of the following standards:

188 **Article V. Non-Building Structures, Amendments as follows:**

189 **§ 350-43.B.(4)(a)** Signs, On-site signs advertising business on premises.

190 (a) One on-site sign attached to a building structure advertising a business conducted
191 or service available on the premises shall not exceed the height of the building
192 structure it is attached to. Such sign shall not exceed ~~32~~ 50 square feet in gross
193 area.

194 **§ 350-43.1.C.** Fences.

195 C. Open style agricultural fences, no greater than eight feet in height, are allowed,
196 without a land use permit, on lands zoned A-1, A-2 & R-4.

197 **Article VI. Highway Setback Lines, Amendments as follows:**

198 **§ 350-50.A.** Setback distances.

199 A. Along highways generally. The setback distance from the center line or right-of-way
 200 line, at any point, for the respective classes of highways shall be as follows:
 201 **[Amended 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019; 8-**
 202 **18-2020 by Ord. No. 9-2020]**

Highway Classification	Setback From Center Line (feet)	Setback From Street Lot Line (feet)
State trunk highways	110	Not less than 67
County trunk highways	75	Not less than 40
Town roads, except in platted subdivisions <u>or non-riparian lots or parcels.</u>	75	Not less than 40
<u>Town roads</u> Streets in platted subdivisions		30
<u>Town roads accessed by a riparian lot</u>		<u>25</u>

203

204 **Article IX. Administration and Enforcement, Amendments as follows:**

205 **§ 350-65.A.** Land use permit.

206 A. No building or structure or billboard or any part thereof, except as herein provided,
 207 shall hereafter be erected, enlarged, altered, ~~repaired~~ or moved within the areas
 208 subject to the provisions of this chapter until a land use permit shall have been
 209 applied for, in writing, and obtained from the Land Use Planning and Zoning
 210 Department. Such permit shall be posted in a prominent place on the premises prior
 211 to and during the period of construction, alteration, repair or moving. Land use
 212 permits shall be valid for a period of one year from date of issue unless otherwise
 213 specified on the permit. A copy of such permit shall be filed with the Land Use
 214 Planning and Zoning Department and with the inspector and clerk for the town in
 215 which the permit is effective. Forms for the application for land use permits shall be
 216 supplied by the Land Use Planning and Zoning Department. All such forms shall be
 217 approved by the County Board. For a fee schedule refer to Article XII, Fee
 218 Schedule. [Amended 11-14-2017 by Ord. No. 22-2017]

219 Article X. Enforcement, No changes.

220 **Article XI. Amendments, Amendments as follows:**

221 **§ 350-75.B.** Rezoning amendment standards.

222 B. All rezone amendments that result in the creation of a new parcel or parcels shall

223 be done by certified survey map in accordance with § 315-38 of the Land Division
224 and Subdivision Ordinance. The rezone amendment shall not take effect until the
225 certified survey map, creating the rezoned parcel(s), is recorded in the Green Lake
226 County Register of Deeds office. If the required certified survey map is not
227 recorded within 12 months of the rezone amendment's approval, the rezone
228 amendment is void.

229 Article XII. Fee Schedule, No changes.

230 **Article XIII. Word Usage and Definitions, Amendments as follows:**

231 **§ 350-77** Word usage and definitions.

232 **BREEZEWAY**

233 An above-ground, roofed area for passage for the purpose of connecting two
234 structures or buildings, as between a house and a garage, with either open or
235 enclosed sides, with or without a foundation, and which must be designed and
236 constructed in keeping with the existing structures or buildings.

237 **DOG BREEDER**

238 A person who in any license year sells at least 25 dogs, from more than 3 litters,
239 which that person has bred and raised in this state. A person has bred and raised
240 dogs for purposes of this paragraph if that person has owned the dogs from birth
241 until sale, regardless of whether the person has contracted with an agent to raise
242 the dogs on real estate owner or occupied by that agent.

243 **DOG BREEDING FACILITY**

244 A place in this state where dogs are bred and raised and from which at least 25
245 dogs from more than 3 litters are sold in a license year.

246 **ENTRYWAY**

247 An inside area through which you enter a dwelling from outside of the dwelling
248 that leads to other rooms within a dwelling.

249 **GARAGE**

250 A structure or part thereof, used or intended to be used for parking and storage of
251 vehicles and/or other personal property.

252 **A.** ATTACHED: A garage sharing a common wall with the principal structure. The

253 attachment must extend from original grade to the roofline of one or more of the
254 connected structures, must be completely enclosed by a roof, walls and floor
255 (openings only for windows, skylights, and doors are allowed), and there must be
256 a direct connection from the 2nd floor of the principal structure to the 2nd floor of
257 the attached garage.

258 **B.** DETACHED: A garage that is not attached to ~~separate from~~ the principal
259 structure, being an accessory structure.

260 KENNEL

261 An establishment, that is not a dog breeding facility as defined in ATCP 16, in
262 which domestic animals are housed, boarded, groomed, sheltered, protected,
263 bred, trained or sold for a fee or compensation. A property where there are fewer
264 than 5 adult dogs is not considered a kennel.

265 LICENSE YEAR

266 Means the 12-month period ending on September 30th for a license granted by
267 the Wisconsin Department of Agriculture, Trade and Consumer Protection to
268 operate as a dog dealer, dog breeder or a dog breeding facility.

269 LIVING AREA

270 That area or space within a dwelling unit, devoted to the principal residential use
271 of the structure, excluding attached garages, porches, sheds, and other similar
272 appurtenances.

273 MUDROOM

274 A room in a dwelling designed especially for shedding of dirty or wet footwear and
275 clothing.

276 PASSAGEWAY

277 A narrow extended room that is open on both ends, having walls on either side
278 and under roof that allows unobstructed access to different rooms within a
279 dwelling.

280 RESIDENTIAL ACCESSORY BUILDING STRUCTURE

281 A subordinate structure, the use of which is incidental to, and customarily found in
282 connection with the dwelling or residential use of the property. These structures
283 include but are not limited to: attached and detached garages, breezeways,

284 decks, patios, swimming pools, hot tubs, garden sheds, or similar. Greenhouses
285 are not residential accessory building structures.

286 ~~STRUCTURE OR USE, TEMPORARY~~

287 ~~A structure or use on a property that requires a land use permit and meets all of the~~
288 ~~following:~~

289 ~~[Added 10-15-2013 by Ord. No. 1070-2013]~~

290 ~~A. That is present for not more than 90 days from the date of issuance of the land~~
291 ~~use permit.~~

292 ~~B. That complies with applicable dimensional and use standards.~~

293 ~~C. That there is no remaining evidence at the termination of the temporary structure~~
294 ~~or use.~~

295 Section 2. This ordinance shall become effective upon passage and publication.

296 Section 3. The repeal and recreation of any section herein shall not have any effect on
297 existing litigation and shall not operate as an abatement of any action or proceeding then
298 pending or by virtue of the repealed sections.

299 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
300 repealed.